

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division**

**STEPHEN W. REESE,**

Plaintiff,

v.

Civil Action No. **3:22CV571**

**SGT. WILLIAM NEWMAN,**

Defendant.

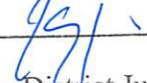
**MEMORANDUM OPINION**

By Memorandum Order entered on November 30, 2023, the Court noted that it was unclear whether Plaintiff was a convicted felon or a pretrial detainee at the time of the events challenged in the Complaint. Whether Plaintiff was a convicted felon or a pretrial detainee at the relevant time determines what constitutional amendment governs his claims. *See Woodley v. Leabough*, No. 3:20-CV-993-HEH, 2022 WL 15524592, at \*7 (E.D. Va. Oct. 27, 2022). Accordingly, the Court directed Plaintiff to provide, within twenty (20) days of the date of entry thereof, a statement reflecting the date and nature of any conviction within the last eight years and also to state his status at the time of the event at issue in the Complaint. The Court warned Plaintiff that the failure to provide this statement would result in the dismissal of the action. *See* Fed. R. Civ. P. 41(b).

More than twenty (20) days have elapsed since the entry of the November 30, 2023 Memorandum Order and Plaintiff has not responded. Accordingly, the action will be DISMISSED WITHOUT PREJUDICE. The outstanding motion, (ECF No. 40), will be DENIED.

An appropriate Final Order shall accompany this Memorandum Opinion.

Date: 1/5/24  
Richmond, Virginia

<u>/s/</u>  John A. Gibney, Jr. Senior United States District Judge
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